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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Siegall *et al.*

Serial No.: 09/328,296

Examiner: K. Canella

Filed: June 8, 1999

Group Art Unit: 1642

For: RECOMBINANT ANTI-CD40 ANTIBODY
AND USES THEREOF

Attorney Docket No.: 9632-005

THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56 and § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references BP-BQ listed on the attached revised form PTO 1449 entitled "List of References Cited by Applicant". Copies of references BP-BQ are submitted herewith.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art". As an alternative, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited by Applicant" in lieu of "List of Prior Art Cited".

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Because this Information Disclosure Statement is being submitted after the mailing date of a first Office Action on the merits but before the mailing of a Final Action under 37 C.F.R. § 1.113, a fee of **\$180** is believed due. Please charge the required amount to

Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Respectfully submitted,

Date: February 28, 2002

Adriane M. Antler 32,605
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By: Muna Abu-Shaar
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Limited Recognition Under 37 C.F.R. § 10.9(b)
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